

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

9/24/21 9:31 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

In re: : Case No.: 21-21297-GLT  
: Chapter: 13  
Sherri L. Senchisen :  
:   
:   
:   
Debtor(s). : Date: 9/22/2021  
Time: 11:00

**PROCEEDING MEMO**

**MATTER:** #1 - Hearing to Evaluate the Reasonableness and Sufficiency of the Fees in Light of the Short Duration of this case.

**APPEARANCES:**

Debtor: Rodney D. Shepherd  
Trustee: Owen Katz

**NOTES: [11:16am]**

Petition filed on May 29, 2021; 17 days later, motion to dismiss.

Court: Should this case have been filed?

Shepherd: Yes, I was under the impression that chapter 7 could still be an option

Shepherd: Chapter 13 filed strategically for the sale of the debtor's house; debtor would fail liquidation test under chapter 7  
-Mortgage arrears were the precipitous cause for filing

Court: So the schedule lists the house's value as \$128,000

Shepherd: Yes and the expectation was that the house's value to go up maybe as high as \$200,000

Court: Okay, so were the schedules inaccurately filed with respect to this increased value?

Shepherd: No, this must have been an inadvertent mistake

Shepherd: Plan payment would be \$274; debtor indicated that she could not make the payments

-Afterwards, debtor reached out to me and said "she felt that she had to do this"

Court's Questioning of Line Items:

-Line item for 1 hour of work charged at an attorney rate, motion to dismiss including 3 paragraphs

-Administrative work being billed a full attorney hourly rate

-Reviewing notices of appearance

-Why would there be a need to review after the motion to dismiss?

Court's conclusions:

-Schedules were prepared carelessly, especially if selected 13 over 7 because of increased home value.

-Question whether the fees were a benefit to the debtor, especially in light of debtor's doubts about filing a chapter 13 case from the outset

-Making an offset to the motion to dismiss allowing fees of \$1,141.16

-Seeking status report ensuring that fees are paid back to the debtor

**OUTCOME:**

1. The *Hearing to Evaluate the Reasonableness and Sufficiency of Attorney Fees* is CONCLUDED.

2. In light of Debtor's dismissal, the Court was prompted to analyze fees under Section 329. After determining that some of the work completed provided no benefit to Debtor, the Court finds \$1,118.01 in fees and \$23.15 in costs to be appropriate. But the amount of \$58.84 is deemed excessive for the reasons stated on the record. On or before October 22, 2021, Attorney Shepherd shall refund \$58.84 to the debtor and file a status report confirming the same. Upon proof that the subject fees were refunded, the clerk will be authorized to close the case. [Chambers to Issue]

**DATED:** 9/22/2021